



NATIONAL ASSOCIATION OF THE DEAF

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August 5, 2005

Timothy Peterson
FCC
445 12th Street SW
Room 7-C410
Washington, DC 20554

Re: FCC Draft Strategic Plan for 2006-2011

Dear Mr. Peterson,

The National Association of the Deaf (NAD) thanks the FCC for the opportunity to provide feedback and comments on the 'work-in-progress' strategic plan on behalf of deaf and hard of hearing Americans, their families, coworkers, and community. The NAD notes that the current proposed strategic plan is a 'living document' and that comments have been invited through the lifetime of the plan.

The NAD comments below on the goals and objectives of particular interest to deaf and hard of hearing consumers will be addressed.

Improving Broadband Access

This is why, briefly, broadband is so important for deaf and hard of hearing consumers:

- For people who are deaf or hard of hearing, broadband makes it possible for callers to see each other on the phone. They may sign to each other and even lipread each other. They may also use broadband to connect to sign-language interpreters. Dial-up connections simply are too slow for such uses.
- Because broadband is always on, it functions much as does a phone. The "ring" of the phone becomes a message that pops up on the computer screen. This might be an Instant Message (IM). It might be a video web-cam conversation via NetMeeting.
- Broadband lowers costs to employers. Deaf and hearing workers may teleconference at a moment's notice -- with full video, voice and data support. IM and e-mail are instantly available when used with broadband. This reduces the need for employers to hire sign-language interpreters. A September 2004 report

from the Pew Internet & American Life Project reported that 53 million Americans now use IM -- four out of every ten persons who are online. This suggests that IM is a widely deployed, readily available "accommodation" for employees who are deaf or hard of hearing.

- Broadband makes possible Video Relay Service (VRS) and other very important communications services that deaf and hard of hearing Americans want and need. In its September 2004 Fourth 706 Report, the Federal Communications Commission said that VRS use had increased 2,000% in just two years. That is, of course, due to more people using broadband, simply because VRS is not possible without broadband.

Because broadband improves access for deaf and hard of hearing consumers, the NAD appreciates that the FCC recognizes the empowering effect of broadband and will continue to encourage and promote broadband development. The NAD applauds the FCC for vigilantly continuing to strive to include the disabled community in broadband development and deployment. The NAD will work in ongoing partnership with the FCC to enable access to the broadband platform for its constituencies and others.

The FCC notes that as the broadband technology evolves, an increasing number of traditional telecommunications services will migrate to broadband platforms. The NAD will monitor this development in partnership with the FCC as the issues are addressed further down the road.

The NAD agrees that the definition of broadband should include but not be limited to any 'advanced telecommunications capability' and 'advanced services' without regard to how such capability or services are provided. The NAD will continue to monitor the emerging technologies and provide feedback as to how the technology can or should be made accessible to its population.

The NAD recognizes that while there is a need for competition among broadband technologies, there is also a competing need for oversight of the various telecommunications and information services and providers. The NAD will partner with the FCC and other communities as the regulatory process governing these categories listed above are examined. The NAD will provide comments as needed on the topics presented.

Improving Emergency Preparedness and Public Safety

The NAD commends the FCC for ensuring the development of rules and policies that are aimed at promoting and improving nationwide interoperability for public safety communications, and to continue to develop a technologically up-to-date EAS. The NAD believes that interoperability, including IM and VRS, is very important. The NAD supports and will work with the FCC to ensure that all consumers, including consumers with disabilities, have access to emergency communications.'

The NAD will partner with the Commission in the “review of its closed captioning and access to emergency information rules to determine whether the existing rules are adequately serving the needs of individuals with disabilities, and as the digital transition is completed, whether these rules will continue to do so” (emphasis added). The NAD recommends that the FCC clarify that the word “adequately” should be used in its context of ‘lawfully and reasonably sufficient’ instead of ‘barely sufficient or satisfactory’ (both definitions found in Merriam Webster’s Collegiate Dictionary).

The NAD urges the FCC to promote access to the emergency information rules that are sufficient to safeguard the health and safety of deaf and hard of hearing individuals. The NAD notes that the FCC has recently taken strong steps to fine local television stations for not appropriately advising their deaf and hard of hearing viewers of emergency evacuations in their broadcast area. In the section titled “Factors Affecting the Achievement of This Goal: Technological”, the FCC recognizes the challenge to ‘craft public safety and homeland security rules sufficiently flexible to ensure that evolving technologies and services develop in a manner consistent with the public’s safety, but that those rules do not hinder technological innovation or impede the market forces that allow innovative services to thrive.’ The NAD appreciates this tension between the public safety and the need to allow competition to drive innovative services, but reminds the FCC of the need to be ever vigilant to uphold the importance of the public safety. Notably, this includes timely information for deaf and hard of hearing citizens.

Improving Access to Telecommunication Services

Technology has become more accessible in recent years, but there remains ground to cover. For example, companies that offer broadband today typically charge \$30 to \$50 per month. While that's lower than costs were just two years ago, it's still too expensive for many people with disabilities. We need the price to come down for it to be truly accessible for all Americans, including deaf and hard of hearing consumers. The NAD is pleased to see the FCC’s strong commitment to ‘work with industry, other US government agencies, and the states to ensure that access to telecommunications services and technologies are accessible to persons with disabilities in conformance with existing laws and policies. The NAD will work with its international counterparts in partnership with the FCC to ensure this global access for people with disabilities. The FCC states that it will continue to monitor trends in consumer complaints and coordinate with state and other federal agencies in an effort to identify marketplace practices that negatively affect competition. The NAD will partner with the FCC in its effort ‘to engage in consumer outreach and public education efforts to increase awareness of the need to switch to digital television and how the transition affects the services viewers receive’.

The NAD encourages that the FCC increase enforcement of section 255 and develop a better complaint process to ensure that section 255 continues to remain relevant as technology continues to develop. The NAD recommends possible rulemaking to solicit comments on how to improve the section 255 enforcement process. The NAD will make every effort to assist the FCC in bringing consumer complaints to their attention and request enforcement as appropriate.

Finally, the NAD will partner with the FCC where it states it ‘shall explore all available ways to ensure that all emerging technologies, networks, and services are reliable, interoperable, redundant, and rapidly restorable.’

Expanding Spectrum Access

The NAD will work with the FCC as a partner in ongoing rulemaking proceedings to ensure access to the spectrum for deaf and hard of hearing consumers.

The Commission states that it will take a variety of steps through its rulemaking process to improve the efficiency and effectiveness of spectrum use. The NAD encourages the FCC to promote interoperability for public safety communications of crucial importance to deaf and hard of hearing consumers who need such communications in times of natural disaster or national emergency.

Modernizing the FCC

The NAD recommends that the FCC elevate the Disability Rights Office so that it will have the ability to oversee the work of all other divisions. Disability issues permeate every area of the FCC’s jurisdiction and if the Disability Rights Office is not involved in full oversight, the FCC risks not giving sufficient protection to consumers with disabilities in the telecommunications marketplace. Elevating the Disability Rights Office is consistent with the principle of Title I, which sets as national policy access to and affordability of telecommunications for ALL Americans, and of section 255, which directs companies to address disability issues in designing telecommunications products and services. The FCC can set a strong example with vigilant oversight of disability issues.

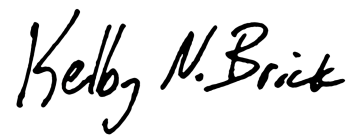
The NAD supports the FCC’s efforts to make user-friendly its processes, procedures, and systems. Currently the FCC’s website is user friendly and timely updated with notices, press release, rulings, and other items within its purview. The e-filing comment system is user-friendly. The NAD has promoted the use of the FCC e-filing on its own web page, to encourage individual consumers to learn how to use the e-filing system independently as they see the need.

The NAD endorses the FCC’s commitment ‘to maximize the use of modern, user-friendly information technologies as part of these communications.’ Conclusion

The NAD thanks the FCC for all its actions on our consumers’ behalf in the past, present, and future. In particular, the NAD appreciates that the FCC has accepted a variety of petitions on behalf of deaf and hard of hearing consumers on telecommunications issues within the past year.

We look forward to the continuation of this productive and positive partnership.

Sincerely,

A handwritten signature in black ink that reads "Kelby N. Brick". The script is fluid and cursive, with the first name "Kelby" being more prominent than the last name "Brick".

Kelby N. Brick
Director, Law & Advocacy